UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA
Lincoln Division

In Re

Daniel L. Koch,

Debtor.

Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association,

its principals, successors and assigns

Movant,

v.

Daniel L. Koch, Debtor,

and

Lisa Ann Williams, Co-Debtor

and

Kathleen Laughlin, Trustee,

Respondents.

Case No. **11-40529**

Chapter **13**

AFFIDAVIT IN SUPPORT OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Kozeny & McCubbin
12400 Olive Blvd., Suite 555
St. Louis, MO 63141
(314) 991-0255
nebk@km-law.com

AFFIDAVIT IN SUPPORT OF
MOTION FOR RELIEF FROM THE AUTOMATIC STAY

I, Teressa J. Williams, being first duly sworn on oath, deposes and states as follows:

1. I am the VP Loan Documentation of Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association, and hereby make this Affidavit in such capacity.

2. Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association is a corporation organized under applicable law.

3. I have acquainted myself with the Motion for Relief from the Automatic Stay filed

KM6480107KM

herein by Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association.

4. In my position with Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association, I am familiar with the preparation and maintenance of the bookkeeping records of Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association relating to loans secured by real estate in Nebraska, including the loan which is the subject matter of Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association's Motion for Relief from the Automatic Stay. Those books and records are managed by employees and agents whose duty is to keep the books and records accurately and completely and to record each event or item at or near the time of the event or item so noted.

5. I have conducted an examination of the business records of Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association regarding the secured obligation of the Debtor herein for the purpose of ascertaining the payment history and present status of the obligation. Based upon the examination of the business records, I state as follows:

(a) On October 31, 1997, Daniel L. Koch ("Debtor") executed and delivered to TMS Mortgage Inc., dba The Money Store, a promissory note ("Note") in writing, whereby he promised to pay to the sum of $26,975.00 together with interest at the rate of 12.25% per annum, as more particularly set forth in such Note.

(b) On October 31, 1997, Daniel L. Koch, to secure the payment of such note, executed and delivered to TMS Mortgage Inc., dba The Money Store, a certain real estate Deed of Trust ("Deed") in writing whereby he conveyed the property commonly known as 1620 West 6th Street, North Platte, NE 69101.

(c) Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association is the servicer for the loan.

(d) The Debtor is the record owner of the above-referenced real estate.

(e) The Debtor is in default on his obligations to Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association in that the Debtor has failed to make his installment payments when due and owing pursuant to the terms of the above-described Note.

(f) Applying all credits and payments, the Debtor is indebted to Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association in the principal amount of $27,261.23, plus interest at the rate of 12.25% per annum. The Debtor is in default on 1 post-petition payment of $763.06 (May 2011) and 2 post -petition payments of $763.05 (June 2011 through and including July 2011) and Accrued Late Charges of $28.26, totaling $2,317.42.

6. By failing to make the regular monthly mortgage payments due pursuant of the

KM6480107KM

Note, Debtor has not provided adequate protection of Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association.

7. Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for which it is entitled reimbursement under the terms of its Note.

I declare under penalty of perjury that to the best of my knowledge the foregoing facts are true and correct.

FURTHER AFFIANT SAYETH NOT.

Wells Fargo Home Mortgage as servicer for Wells Fargo Bank, National Association,

By: Teressa J. Williams

Teressa J. Williams

Representative, VP Loan Documentation

Title

Subscribed and sworn to before me this 26 day of July 2011,

Penny S McCraven

Notary Public in and for the
State of SC

My commission expires: 12-14-14

PENNY S. MCCRAVEN
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 12-14-2014

KM6480107KM